

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv205**

**DONNA J. PARKER,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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**ORDER OF REMAND**

**THIS MATTER** is before the Court on the Defendant's Motion for Entry of Judgment under Sentence Four of 42 U.S.C. Section 405(g) with Reversal and Remand of the Cause to Defendant [Doc. 14].

Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant here has moved for reversal of the decision of the Defendant and for remand for further administrative proceedings. Specifically, the Defendant seeks remand for the consideration of additional evidence.

The Plaintiff has not objected to the motion.

Upon remand to the Commissioner, the Appeals Council shall assign this case to a new administrative law judge (ALJ). The Appeals Council will instruct the new ALJ to: (1) further develop the record and update evidence; (2) further consider the severity of the Plaintiff's medically determinable impairments; (3) further consider her maximum residual functional capacity; (4) make reference to the evidence in the record to support the assessed limitations; (5) if necessary, obtain additional evidence from a medical expert as to the Plaintiff's impairments; (6) obtain supplemental evidence from a vocational expert; and (7) consider the sequential process and issue a new decision. The Court finds remand is appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

### **ORDER**

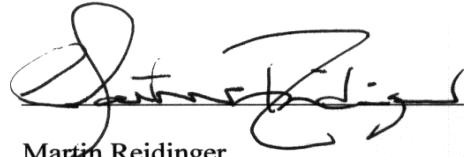
**IT IS, THEREFORE, ORDERED** that the Defendant's Motion for Entry of Judgment under Sentence Four of 42 U.S.C. Section 405(g) with Reversal and Remand of the Cause to Defendant [Doc. 14] is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is hereby **REMANDED**.

**IT IS FURTHER ORDERED** that upon remand, the Commissioner shall comply with the directives contained within this Order.

The Clerk of Court shall enter separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: August 2, 2012

  
Martin Reidinger  
United States District Judge

